

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	NO. 4:11 CR 361 AGF (DDN)
vs.)	
)	
FRED W. ROBINSON,)	
)	
Defendant.)	

**GOVERNMENT’S REPLY TO DEFENDANT’S REQUEST
FOR EXTENSION OF TIME TO FILE PRETRIAL MOTIONS**

Comes now the United States of America, by and through Richard G. Callahan, United States Attorney for the Eastern District of Missouri, and Hal Goldsmith, Assistant United States Attorney for said District and, and for its Reply to Defendant’s Request for Extension of Time to File Pretrial Motions (doc. 21), states to this Honorable Court as follows:

1. Defendant was arraigned on the instant charges on September 16, 2011. At that time, the government provided counsel for defendant with a report of defendant’s September 7, 2010 statement to law enforcement, along with defendant’s criminal history. The government also advised counsel for defendant that the government would make all other discovery available for counsel’s review upon request.

2. The government followed up by letters to defense counsel on September 19, 2011, October 3, 2011, and October 18, 2011 again advising each time that the government would make all of the discovery available to counsel for review “at your convenience”, and offering to copy any records following counsel’s review at counsel’s request.

3. On October 19, 2011, defense counsel did in fact review all of the government's discovery in this case. Defense counsel requested certain records to be copied at that time. On October 21, 2011, the government produced the requested copies to defense counsel (approximately 75 pages). The government also produced draft trial exhibits relative to the tracking evidence in this case, along with a March 9, 2010 videotape of defendant and an undercover federal agent. The tracking evidence exhibits relate to the period January 22, 2010 through March 17, 2010 and are not voluminous. The videotape is less than 1 ½ hours in length.

4. Since October 19, 2011, the defendant has not requested to again review any of the government's discovery in this case.

5. The defendant has requested and been granted two previous extensions of time for purposes similar to the instant motion, to "review the discovery materials and the legal issues involved regarding the filing of pretrial motions". Following those two extensions of time, defendant's pretrial motions were due to be filed on November 4, 2011, when defendant instead filed his instant motion for more time. Counsel for defendant did not discuss the instant motion with the undersigned before filing it. After receiving defendant's instant motion, and in an attempt to better understand defendant's need for additional time, the undersigned attempted to contact counsel for defendant on November 4, 2011, but defense counsel has not yet returned that phone message.

WHEREFORE, the United States of America prays that this Honorable Court overrule and deny defendant's instant request for additional time, require defendant to file his pretrial motions or

file a notice of waiver forthwith, and for such other relief as this Court deems appropriate and just under the circumstances.

Respectfully submitted,

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